FOR MYSORE STATE

Home (1953) Department.

RT SERIES.

Passed

G.O. No.	Dt. 4107
Dated	2 12-53

[Despatch Abstract.]

MVWs - Contract Carriages - RTA.
South Kanara Compulsory
fitment of axi-meters - Order
by the RTC Revision petition
to Govt - Rejected as time barred

BEFORE THE GOVERNMENT OF MADRAS, HOME DEPARTMENT,

FORT ST. GEORGE, M A D R A S.

Ganesh B. Shetty,
Son of Battya Shetty, Registered Owner
of Contract Carriage MDX-1532,
Nandigudde Road, Attavar, Mangalore,
M A N G A L O R E. (South Kanara) — Appellant.

V E R S U S

The Regional Transport Authority,
South Kanara,
and
The Central Road Traffic Board,
M A D R A S. — Respondents.

190906

REVISION PETITION UNDER SECTION 64-A OF THE MOTOR VEHICLES ACT IV of 1939 AGAINST THE DECISION OF THE REGIONAL TRANSPORT AUTHORITY, SOUTH KANARA, dated 15-7-53, REQUIRING COMPULSORY FITMENT OF TAXI-METERS FOR TAXIS PERMITTED TO PLY IN SOUTH KANARA DISTRICT and THE FURTHER PROCEEDINGS OF THE SECRETARY, CENTRAL ROAD TRAFFIC BOARD, MADRAS, IN HIS PROCEEDINGS D. DIS. 50301/ A1 /53, dated 6-9-1953 IN THIS CONNECTION.

I. Being highly aggrieved by the decision of the Regional Transport Authority, South Kanara, at its meeting held on 15-7-1953 " to enforce the compulsory fitment of taxi-meters for taxis permitted to ply in S.Kanara " with effect from 15-1-1954, the appellant,- being a contract carriage permit holder of Mangalore Town in South Kanara district,- begs to submit this revision petition under the following circumstances:-

(1) The Mangalore Regional Transport Officer's proceedings (Circular) D.Dis.7645/52, dated

G B Shetty

21-7-1953, intimating the above decision of the Regional Transport Authority, South Kanara, reached the appellant by post on 29-7-1953.

(2) Thereupon, under date 26-8-1953, the appellant with 21 other contract carriage permit holders of Mangalore Town submitted an appeal against the above-said decision of the Regional Transport Authority, South Kanara, to the Central Road Traffic Board, Madras.

(3) The Secretary of the Central Road Traffic Board, Madras, in his proceedings D. Dis.50301/ A1 /53, dated 6-9-1953, "rejected" the appellant's appeal "as not entertainable"; and the appellant was further directed that he " may prefer revision petition to the Government under Section 64-A of the Act if ... so advised." A copy of the said proceedings reached the appellant by post on 12-9-1953.

II. With reference to the proceedings D.Dis.50301/A1/53, dated 6-9-53, of the Secretary of the Central Road Traffic Board, Madras, the appellant begs to make the following submissions:-

(1) A perusal of the above proceedings shows that the appellant's appeal was rejected on the following grounds:-

(a) That "there is no provision to entertain joint appeals preferred by a number of persons;" and

(b) That "Section 64 of the M.V.Act does not also provide for appeals in matters like this."

(2) In reply to the above grounds, the appellant begs to submit as follows:-

(a) That in as much as the "joint appeal" was against a single decision of the Regional Transport Authority, South Kanara, communicated in the single proceedings D.Dis.7645/52, dated 21-7-53, of the Regional Transport Officer, Mangalore, the joint appeal submitted by the 22 contract carriage permit holders

including the appellant, who were all similarly affected by the said decision, was in order just as a number of persons convicted in one criminal trial can file a joint appeal together against the convictions and sentences passed against them in a single judgement. In view, however, of the direction of the Secretary of the Central Road Traffic Board that there is no provision for the submission of joint appeals, the appellant begs to submit this revision petition alone, in his own interests as well as in the interests of the other contract carriage permit holders of Mangalore Town, who submitted appeals in this matter before the Central Road Traffic Board, Madras.

(b) That the decision of the Regional Transport Authority, South Kanara, to enforce compulsory fitment of taxi-meters on all contract carriagers plying in South Kanara automatically amounts in fact and effect to a variation of the conditions of the form P.C. permit issued to taxi-cabs by the Regional Transport Authority, South Kanara. In fact, after the decision of the Regional Transport Authority, South Kanara, to enforce compulsory fitment of taxi-meters on contract carriages was passed, in cases of form P.C. permits in respect of certain contract carriages the Regional Transport Officer, Mangalore, has endorsed the additional condition that "the vehicle shall be fitted with a taxi-meter as prescribed in rules 401 and 402 Motor Vehicles Rules within six months from 15-7-53."

(c) The appellant and the other contract carriage permit holders were thus competent to file an appeal before the Central Road Traffic Board, Madras, under Section 64, clauses (a) and (b), of the Motor Vehicles Act as persons " aggrieved by ... any condition attached to a permit granted to him, or aggrieved by ... any variation of the conditions thereof."

250, BK 52

III. In view of the submissions under para II above, the appellant begs to move in revision also against the propriety and legality of the order of the Secretary of the Central Road Traffic Board, Madras, in his proceedings D.Dis.50301/A1/53, dated 6-9-53.

IV. Proceeding to make specific submissions on the decision of the Regional Transport Authority, South Kanara, enforcing compulsory fitment of taxi-meters on all contract carriages plying in South Kanara with effect from 15-1-1954, the appellant begs to submit as follows:-

(1) The above-said decision of the Regional Transport Authority, South Kanara, was in fact an ex-parte decision, in that it was passed without affording the appellant, or any of the other contract carriage permit holders of the district, an opportunity to make any representations in this matter, as will be clear from the following submissions:-

(a) The above decision of the Regional Transport Authority, South Kanara, was communicated to the appellant for the first time by the Regional Transport Officer, Mangalore, in his proceedings (Circular) D.Dis.7645/52, dated 21-7-53, which reached the appellant on 29-7-53, having been posted on 28-7-53.

(b) That the above-said proceedings D.Dis. 7645/52, dated 21-7-53, sets out the following averments:-

(i) That the Regional Transport Officer, Mangalore, in his office circular memo, had required contract carriage permit holders " to fit taxi-meters for their vehicles as decided by the Regional Transport Authority, South Kanara, at its meeting held on 3-10-52."

(ii) That "Representations against this decision received from the contract carriage permit

holders of this region were placed before the Regional Transport Authority, S.Kanara for consideration."

(iii) That "The Regional Transport Authority, S. Kanara at its meeting held on 15-7-53 considered the representations and have decided to enforce the compulsory fitment of taxi-meters for taxis permitted to ply in S.Kanara as already resolved by them."

(iv) That "The contract carriage permit holders of this district are accordingly directed to comply with the decision of the Regional Transport Authority, S.Kanara by installing taxi-meters for their vehicles within six months from 15-7-53. No extensions of time will be granted. Failure to comply with the order will severely be dealt with."

(c) While the appellant admits that the R.T.O., Mangalore, in his circular memo Ref.C.No. 7645/52-A, dated 29-10-52, informed all contract carriage permit holders that

> "The Regional Transport Authority, South Kanara at its meeting held on 3-10-1952 has approved the proposal to introduce taxi metres under Section 51 (d) of Motor Vehicles Act in all public taxis plying in South Kanara region. All contract carriage permit holders in South Kanara region are therefore directed to provide their vehicles with taxi meters as contemplated in the Motor Vehicles Rules before 30-1-1953. Failure to comply will be dealt severely",-

the appellant begs, with all respect, to submit that the averment in the proceedings D.Dis.7645/52, dated 21-7-53, of the R.T.O.,Mangalore, that the present decision of the Regional Transport Authority,South Kanara, at its meeting of 15-7-53 was on a consideration of the representations of the appellant,or of any other contract carriage permit holders of this district, is not correct, as will be clear from the following submissions:-

(i) Immediately on receipt of the Mangalore R.T.O.'s Circular Memo Ref.C.No.7645/52, dated 29-10-52, the contract carriage permit holders of South Kanara

district submitted representations in writing against the decision of the Regional Transport Authority to enforce installation of taxi-meters; and thereafter appeared personally before the R.T.A.,S.Kanara, and submitted detailed objections orally as well.

(ii) The meeting of the Regional Transport Authority, S.Kanara, which heard these representations, was presided over by the then Collector Sri Ramakrishnan, I.C.S., and was attended by two other members,- namely, the then D.S.P. Sri Ramaiah Pillai and the then District Board President Sri B.Manjayya Hegde,B.A.,B.L. The Secretary at this meeting was the then Regional Transport Offiecr Janab K.Hyder Ali Khan.

(iii) The Regional Transport Authority, consisting of the above members, on a fair and sympathetic consideration of the representations of the contract carriage permit holders, was pleased to withdraw its decision of 3-10-1952 insisting on the compulsory fitment of taxi-meters, and to direct that the question would be taken up for reconsideration after obtaining the opinions of other public bodies on it, assuring the contract carriage permit holders that they will be allowed a chance to make further representations on the subject in due course before finally deciding to enforce the compulsory istallation of taxi-meters.

(iv) To the misfortune of the contract carriage permit holders, however, the present Regional Transport Authority, South Kanara, consisting of altogether new members,- namely, Sri A.Mahalingam Chettiar, the Collector of the District as Chairman, and Sri W.Carlson, the D.S.P., the only other member,- and a new Secretary,- namely,Sri K.C.Nambiar, the present R.T.O.,Mangalore,- without any notice to the contract carriage permit holders that the R.T.A. was going to further consider the question of compulsory fitment of taxi-meters at its meeting of 15-7-53, "decided to enforce the compul-

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sory fitment of taxi-meters for taxis permitted to ply in S.Kanara as already resolved by them" with effect from 15-1-1954.

(v) A reference to the proceedings of the R.T.A. meeting mentioned in sub-para (iii) above will prove that the R.T.A. at this meeting had definitely decided to hold their earlier decision of 3-10-52 enforcing compulsory fitment of taxi-meters with effect from 30-1-1953 in abeyance, pending further consideration of representations from all concerned in the matter.

(vi) The contract carriage permit holders, including the appellant, thereafter had no notice at any time that the R.T.A. was going to consider this subject again at its meeting of 15-7-53.

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(vii) Having regard to the above facts, the R.T.A. erred in deciding this matter ex-parte at its meeting of 15-7-53, presumably on a consideration of the opinions of outside bodies, without affording a chance to the appellant and the other contract carriage permit holders affected by such ex-parte opinions,- the trend of which the contract carriage permit holders had no knowledge or inkling whatsoever,- to make any representations on this question affecting their business interests most vitally.

(viii) This ex-parte decision of the R.T.A. has gravely prejudiced a fair and proper consideration of the question of compulsory fitment of taxi-meters; for, on a question like this, in which the legislature has allowed the fullest discretion to the Regional Transport Authorities of different regions to waive or require enforcement of taxi-meters in their respective areas, having regard to local factual conditions, it was only fair and proper that the representations of the persons directly affected by the decision of the R.T.A. in the matter should have been heard and considered before a

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final decision of the question.

(ix) The contract carriage permit holders of the district, including the appellant, having thus had no opportunity whatsoever to make any representations on this question before the present R.T.A., South Kanara, consisting of altogether new members and a new Secretary,- and none of the members of the R.T.A. who decided this question on 15-7-53 having been present when the oral representations of the contract carriage permit holders had been heard previously, the R.T.A., South Kanara, at its meeting held on 15-7-53 was really unable to appreciate the merits of the appellant's and the other contract carriage permit holders' representations in this matter.

(d) The appellant has thus been gravely prejudiced by the decision of the R.T.A., S. Kanara, now under revision, which, having regard to the facts and circumstances explained above, is in fact and effect and ex-parte decision.

(2) In the light of the submissions under para (1) above, the decisions of the Regional Transport Authority, South Kanara, both at the meetings of 3-10-1952 and 15-7-1953, directing the compulsory fitment of taxi-meters, are invalid, illegal and void having regard to Section 51 of the Motor Vehicles Act and Rule 125 of the Madras Motor Vehicles Rules for want of adequate notice to the appellant and the other contract carriage permit holders of the district, who were thereby denied an opportunity to make any representations on this question affecting their interests, though they had reasonable claims to be permitted to attend these meetings for the purpose of making representations as specifically provided by rule 125 of the Madras Motor Vehicles Rules.

(3) The Regional Transport Authority erred in ignoring the fact that the maintenance of taxi-meters in satisfactory working order is impracticable,

having regard to road conditions in this district as explained below:-

(a) This district, having untarred roads generally throughout including even Mangalore, the principal town, abounds with steep gradients; and the roads throughout are intercepted by several unbridged rivers and streams, across which contract carriages have to be either ferried or driven through water.

(b) The untarred roads get slushy during the heavy monsoon months between June and October, when some times motor traffic throughout the district is rendered impossible on account of floods inundating certain roads.

(c) As motor vehicles plying on these roads are subjected to the strain of heavy jolting on account of slushy pools and deep ruts on the roads in the district generally, taxi-meters cannot be maintained in reasonable satisfactory working condition generally without entailing heavy recurring expenditure for their upkeep and repair.

(d) It is on account of the generally poor condition of the roads in this district that there is only one auto-rickshaw plying in this district, though the authorities are prepared to permit more.

(e) It is apparently because the legislature intended that the Regional Transport Authorities should be satisfied, having regard to the condition of the roads in their areas, that contract carriage permit holders may be required to maintain taxi-meters, that full discretion has been allowed to the Regional Transport Authorities in the matter of the installation of taxi-meters; for, were it not so, the legislature would have enacted the uniform rule that all contract carriages in the province should be fitted with taxi-meters; for, this would have been more

equitable than permitting discrimination in the use of taxi-meters in the different parts of the province.

(f) The installation of taxi-meters not yet having been insisted upon by the Regional Transport Authorities in several other districts of the province, apparently on a consideration of the fact that road conditions in these areas would render the compulsory fitment of taxi-meters an unjustifiable hardship, there is no just reason for requiring compulsory fitment of taxi-meters in this district, which is really more unsuitable for the maintenance of ~~taxi-meters~~ taxi-meters.

(4) The Regional Transport Authority erred in overlooking the fact that the installation of taxi-meters is really not required in public interests, as explained below:-

(a) The compulsory installation of taxi-meters on contract carriages in areas, where they can be efficiently maintained having regard to road conditions, can be in public interests only to ensure that contract carriages will not charge fares in excess of those prescribed.

(b) The appellant makes bold to submit that so far there has not been a single prosecution in this district for demanding or collecting excessive fares; and this, in spite of the fact that the only taxi-stand in Mangalore Town where all the taxis are parked is the Municipal Bus Stand, where there are policemen always on duty. Nor has there been any complaint from the public in this matter to the authorities, so far as the appellant is aware.

(c) The appellant begs most humbly to submit that, as a matter of fact, he and the other contract carriage permit holders are compelled to ply their vehicles at lower fares than those prescribed on account of the keen competition in the trade.

(5) The Regional Transport Authority erred in overlooking the fact that the compulsory fitment of taxi-meters, under the present stringent and adverse trade conditions, will impose an unbearable strain and unjustifiable hardship on the contract carriage permit holders, as explained below:-

(a) The contract carriage trade in South Kanara, having regard to existing local conditions, is really unremunerative, as explained below:-

(i) There being numerous regular and efficient bus services on all the important roads of the district, the scope for contract carriages securing long-distance fares within the district is very meagre.

(ii) On account of the heavy taxes contract carriages have to pay in the adjoining districts of Mysore and Coorg, contract carriages have very little prospect of making trips outside the district, considering also that there are regular daily bus services on these inter-district routes; and, with the opening up of an aerodrome at Bajpe, even these rare trips outside the district have practically stopped altogether.

(iii) The numerous City Bus services plying throughout Mangalore Town and its suburbs and the hundreds of hackney carriages plying in Mangalore Town have further reduced the prospects of contract carriages securing fares even in the town of Mangalore.

(iv) Mangalore, not being an industrial town like Coimbatore and other mill areas, contract carriages are not able to secure remunerative fares in Mangalore Town, where the appellant's contract carriage is stationed.

(v) The comparative smallness and relative unimportance of Mangalore Town from the point of view of contract carriage traffic will be apparent from a consideration of the fact that there is only one taxi-stand in the whole town of Mangalore; and this at Hampankatta in the Municipal

Bus Stand itself. The only other place where contract carriages can expect to be able to pick up fares is the Mangalore Railway Station, where only 8 contract carriages are permitted to solicit hire; and, after all, there are only 4 up and down passenger trains throughout the day.

(vi) To add to the above adverse conditions under which contract carriage permit holders have to ply their trade, the general widespread economic depression has hit them hard, with the result that in these days of increased cost of petrol, spare parts and repairs, the heavy burden of taxation, and scant and reduced fares the contract carriage permit holders are really unable to make even a bare living with the earnings from their vehicles.

(vii) Though there are 26 contract carriages stationed in Mangalore, the taxi-stand is generally full of waiting taxis at all hours, because they have to remain idle during the greater part of the day, day after day, for want of fares, as is only too well known to the public and the authorities.

(b) Under the above stringent and adverse conditions, it will be an unbearable strain and unjustifiable hardship on the contract carriage permit holders if they are required to fit taxi-meters, the installation of which requires a minimum capital of about Rs.1500/-, which the appellant is really unable to provide, having exhausted his resources on account of the losses so far suffered by him under the present conditions.

(c) The condition of the roads of this district, referred to in para IV (3) above at pages 8 to 10, offers an insurmountable difficulty in the way of providing taxi-meters; and taxi-meters on contract carriages plying on the generally untarred roads, broken up by deep and frequent ruts made by the iron tyres of the bullock carts used extensively in the district

district throughout the year, and slushy and muddy pools during the heavy monsoon monhts particularly, cannot be maintained in satisfactory working condition without incurring an ever-recurring heavy toll of expenditure beyond the present means of the appellant and the other contract carriage permit holders.

(d) The number of contract carriages available, particularly in Mangalore Town, being really in excess of the reasonable needs of the population under present conditions, the contract carriages are, as a matter of fact, plying at lower fares than those prescribed by the R.T.A. years ago, when petrol, spare parts and repairs were much cheaper, and which therefore are really exorbitantly low under present conditions when the cost of living also is much higher. There has not been so far a single case in this district against any contract carriage for demanding or collecting fares in excess of the scheduled rates; because, besides the competition that contract carriage permit holders have to face from among themselves, from the bus services and hackney carriages, there are also a large number of black list cars clandestinely plying for hire in spite of repeated representations to the authorities by the contract carriage permit holders.

(e) If, at a time like the present when the contract carriage permit holders are really compelled to ply at much lower fares than those prescribed, the contract carriage permit holders should be also compelled to instal taxi-meters, it will only subject the appellant and the other contract carriage permit holders to the grave risk of losing even the present scarce and scanty fares; for none will then care to engage contract carriages paying by compulsion the scheduled mileages and waiting (detention) charges; and such a situation will also provide an active stimulus and added encouragement to the unauthorised plying of private black list cars clandestinely for hire in this district.

(6) The decision of the Regional Transport Authority, South Kanara, requiring compulsory fitment of taxi-meters on all contract carriages is thus invalid and illegal for non-compliance with the provisions of Section 51 of the Motor Vehicles Act and Rule 125 of the Madras Motor Vehicles Rules, uncalled for and unjustified by the local road conditions, unnecessary in public interests, and detrimental to the legitimate interests of the contract carriage permit holders; and is, therefore, liable to be set aside.

V. It is, therefore, prayed that for the above reasons the decision of the Regional Transport Authority, South Kanara, directing compulsory fitment of taxi-meters on all contract carriages in South Kanara may be set aside; and that, pending disposal of this revision petition, the decision of the Regional Transport Authority, South Kanara, communicated to the contract carriage permit holders by the Regional Transport Officer, Mangalore, in his proceedings D.Dis.7645/52, dated 21-7-53, may also be stayed.

VI. Chalan No.576, dated 5-10-1953, of Mangalore Sub-Treasury for Rs.50/- (Rupees Fifty only) towards fee payment of the necessary fee on this revision petition is enclosed.

Mangalore,
The 6th October, 1953.

(Ganesh B. Shetty)
APPELLANT.

Enclosures:-

1. Chalan No.576, dated 5-10-53, of Mangalore Sub-Treasury for Rs.50/-
2. Proceedings of the R.T.O.,Mangalore,(Circular) D.Dis. 7645/52, dated 21-7-53, with postmarks dated 29-7-53 of Kankanady and Mangalore-1 Post Offices sent by Book Post to "Sri A.Chandrashekar,S/o A.Kotiappa,Owner of taxi MDX-2285,Attavar, Mangalore.
3. Proceedings of the Secretary,Central Road Traffic Board, Madras, D.Dis.50301/A1/53, dated 6-9-53, signed by the Superintendent of the said office under date 9-9-53, received by the appellant by post on 12-9-53.
4. Three spare copies of this appeal.

T. and A. 1 (o).

PROVINCIAL.
പ്രൊവിൻഷ്യൽ.
[redacted]

ORIGINAL.
അസ്സൽ.

(For instructions, see reverse.)
(ഉപദേശങ്ങൾക്കു മറുപുറം നോക്കുക.)

Chalan for payment of money into the ~~Huzur Treasury~~ Sub-Treasury at Mangalore.

No. 526 നമ്പർ.

ഹുജൂർ ഖജാനയിൽ / കീഴ് ഖജാനയിൽ ഒല പണം അടക്കുന്നതിനുള്ള ചല്ലാൻ.

By whom paid and name and address of the person on whose behalf money is paid. ആർ അടച്ചുവെന്നും ആർക്കു വേണ്ടി പണം അടച്ചുവോ അയാളുടെ പേരും മേൽ വിലാസവും.	On what account, with authority, if any, and head of account.* എന്തു വകയെന്നു, പ്രമാണം (സാക്ഷ്യം) വല്ലതുമുണ്ടെങ്കിൽ അതും കണക്കു ഇനവും* സഹിതം.	Amount തുക			Monthly consecutive number assigned to the credit in the day book. നാൾവഴി പുസ്തകത്തിൽ വരവു ചേർക്കുന്നതിനു കൊടുത്ത മാസാന്തര വഴിക്കുവഴി നമ്പർ.	
		Rs. ക.	A. ണ	P. പ.	No. നമ്പർ.	Month. മാസം.
Ganesh Shetty, Son of Satya Shetty, Registered Owner of Contract carriage MDX-1002, residing at Kudi, Kudde Road, Attavar, MANGALORE.	Fee for revision petition against proceedings of the Regional Transport Authority, South Kanara, No. MVP. 7040/02, dated 21-7-1953. (Rupees fifty only)	50	-	-		
Date 5-10-1953 19 ദിയതി.	Total (in words and figures) .. ആകെ (അക്ഷരങ്ങളിലും അക്കങ്ങളിലും).	50	-	-		

CANCELLED 10 OCT 1953

Signature of Remitter.
അടക്കുന്ന ആളുടെ ഒപ്പ്.

HUZUR TREASURY. ഹുജൂർ ഖജാന.
SUB-TREASURY. കീഴ് ഖജാന.
The 19 ദിയതി.
RECEIVED Rupees 50/- രൂപിക കിട്ടി ബോധിച്ചു.
Entered. ചേർത്തു.

Signature of Treasurer. ഖജാൻജിയുടെ ഒപ്പ്.
Signature of English Head Accountant. ഇംഗ്ലിഷ് ഹെഡ് എക്കൗണ്ടന്റിന്റെ ഒപ്പ്.
Signature of Treasury Officer. ഖജാന ആഫീസരുടെ ഒപ്പ്.

Shroff. ഷ്രോഫ് ഒപ്പ്.
Taluk Hd. Accit. or Sarishtadar. താലൂക്ക് ഹെഡ് എക്കൌണ്ടന്റ് അല്ലെങ്കിൽ ശിരസ്തദാർ.

*Head of Account should be filled in by the Departmental Officer or Treasury.
* കണക്കു ഇനം ഡിപ്പാർട്ട്മെന്റിലെ ആഫീസരോ ഖജാനക്കാരൊ എഴുതിച്ചേർക്കണം.

T. and A. 1 (c).

INSTRUCTIONS.

ഉപദേശങ്ങൾ.

The receipt is not valid or binding on the Government unless—

I. In the case of payments in Huzur Treasuries it is signed (1) by the Huzur Treasurer and (2) by the English Head Accountant when the amount is under Rs. 500 and also (3) by the Treasury Deputy Collector when the amount is Rs. 500 or more.

II. And in the case of paymens in Sub-Treasuries, (1) by the Shroff and (2) by the Taluk Head Accountant or Taluk Sarishtadar.

III. Receipts for cash or cheques paid for service stamps should be given in M. T. C. Form 5–A (T. and A. 85).

I. ഹജൂർ ഖജാനകളിൽ അടക്കുന്ന പണങ്ങളുടെ സംഗതിയിൽ, (1) ഹജൂർ ഖജാൻജിയും (2) രൂക 500 ക. യിൽ കുറഞ്ഞിരുന്നാൽ ഇംഗ്ലീഷ് ഹെഡ് എക്കൌണ്ടന്റും (3) രൂക 500 ഉറുപ്പികയോ അതിൽ കവിഞ്ഞോ ആയിരുന്നാൽ ഖജാന ഡിപ്പുട്ടി കലക്ടർ ക്രമേടയും,

II. കിഴ് ഖജാനകളിൽ അടക്കുന്ന പണങ്ങളുടെ സംഗതിയിൽ (1) സ്രാപ്പും (2) താലൂക്ക് ഹെഡ് എക്കൌണ്ടന്റോ താലൂക്ക ശിരസ്തദാരോ ആയ ആളും,

ഒപ്പിട്ടിരുന്നാലല്ലാതെ ഈ രശീതി സാധുവൊ ഗവർമ്മെണ്ടിന്നു ബാധകമൊ ആയിരിക്കുന്നതല്ല.

III. സർവ്വീസ് മുദ്രകൾക്കുവേണ്ടി കൊടുത്ത റൊക്കം പണത്തിന്നൊ ചെക്കുകൾക്കൊ രശീതി M.T.C. 5-A (T. and A. 85) എന്ന മാതിരിയിൽ കൊടുക്കേണ്ടതാകുന്നു.

NOTE.—Particulars of money paid must be entered below.

കുറിപ്പു.—അടച്ച പണത്തിന്റെ വിവരങ്ങൾ താഴെ ചേർക്കണം.

	Number. എണ്ണം.	Amount. തുക.		
		RS. ക.	A. ണ.	P. പ.
Coin നാണയം				
Currency Notes— കറൻസി നോട്ടുകൾ—				
Rupees ഉറുപ്പിക 1,000				
,, 500				
,, 100				
,, 50				
,, 10				
,, 5				
TOTAL NOTES .. ആകെ നോട്ടുകൾ ..				
Cheques (with details) .. .. ചെക്കുകൾ (വിവരങ്ങളോടു കൂടി).				
GRAND TOTAL .. കൂട്ടുക ..				

PROCEEDINGS OF THE REGIONAL TRANSPORT OFFICER, MANGALORE. (CIRCULAR)

S. 7645/52

dated 21-7-53.

Sub:- Motor Vehicles - Contract Carriages - S. Kanara region - Compulsory fitment of taxi-meters - ordered.

Ref:- This office circular memo. Ref.C.No.7645/52-A, dated 29-12-52.
2. Representation dated 16-1-53 of taxi owners of S.Kanara.

The attention of the contract carriage permit holders are invited to this office circular memo, cited requiring them to fit taxi-meters for their vehicles as decided by Regional Transport Authority, S.Kanara at its meeting held on 3-10 Representation against this decision received from the contract carriage permit holders of this region were placed before the Regional Transport Authority, S. Kanara for consideration. The Regional Transport Authority, S. Kanara at its meeting held on 15-7-53 considered the representations and have decided to enforce the compulsory fitment of taxi-meters for taxis permitted to ply in S. Kanara as already resolved by them. They however allowed six months' time. The contract carriage permit holders of this district are accordingly directed to comply with the decision of the Regional Transport Authority, S. Kanara, by installing taxi-meters for their vehicles within six months from 15-7-53. No extensions of time will be granted. Failure to comply with the order will severely be dealt with.

Regional Transport Officer,
Mangalore.

To
All Contract Carriage permit holders,
Copy to Dt. Magistrate, S.Kanara, Dt. Supdt. of Pl Police, S.Kanara,
Motor Vehicles Inspectors, and Asst. Motor Vehicles Inspector, S.Kanara
Stock-file of Regional Transport Officer, Superintendent, and B and C.
The Motor Vehicles Inspectors, Additional Motor Vehicles Inspector, and Asst. Motor Vehicles Inspector, will report cases in which taxi meters are not fixed even after the expiry of the above six months.
SO. 23-7

Book Post

To

Sri H. Chandrashekar
S/o H. Kotrappa
Door No. Town Municipality
Attavar
Mangalore

R.T. Office
Delivery

PROCEEDINGS OF THE SECRETARY, CENTRAL ROAD TRAFFIC BOARD, MADRAS.8.

D.Dis. 80301/A1/53 Dated: 6.9.53.

Sub: Appeal - Contract Carriages - Compulsory fitment of Taxi meters - ordered by the Regional Transport Authority South Kanara Petitions rejected as not entertainable.

Ref: 1) Proceedings of the R.T.A., South Kanara No. D.Dis. 7645/52 dated 21.7.53.

2) Petition dated 26.8.53 from Sri W.R. Sunita.

3) Joint Petition dated 26.8.53 from Sri Ganesh B, Shetty and 21 others.

In his proceedings first cited, the Regional Transport Officer, Mangalore communicated to the taxi owners of South Kanara District the decision of the Regional Transport Authority to enforce compulsory fitment of taxi meters to the taxis permitted to ply in South Kanara District. Against this decision Sri W.R. Sunita, Taxi owner, Mangalore, has preferred an appeal to this Board. Sri Ganesh B. Shetty, another Taxi owner in South Kanara District and 21 others have also jointly preferred an appeal to this Board in the same matter. There is no provision to entertain joint appeals preferred by a number of persons. Section 64 of the M.V.Act does not also provide for appeals in matters like this. The appeal petitions are therefore rejected as not entertainable. The petitioners may prefer revision petitions to the Government under Section 64-A of the Act if they are so advised.

Syed Ahmed,
Secretary.

To

Sri W.R. Sunita, B.A., Registered Owner of Taxi Cab MDX 1143, "Pais Hill". Urva Mangalore.

& Sri Ganesh B Shetty, S/O Battaya Shetty, Nandigudde Road, Attavar. Mangalore(and 21 others)

c. To The Regional Transport Officer, Mangalore.

Received on 12-9-53 By Post

/ By Order /

G. Subramaniam
Superintendent.

9/9/53

Rm/9.9.

C.No.190906 Tr.II/53

3

HOME DEPARTMENT

MEMO.No. A0906 Tr II/53 1 dated 13.10.53

Motor Vehicles - Contract carriages - R.T.A., South Kanara,- Compulsory fitment of taxi-meters - Ordered by R.T.O. - Revision petition to Govt.

Ref: From Sri G.B.Shetty, revision petition, dated 6-10-1953.

====

Sri Ganesh B.Shetty is referred to para III of his petition wherein it is stated that the petition is against the orders of the Secy., C.R.T.Board, Madras, in his proceedings D.Dis.No.50301/A1/53, dated 6-9-1953, and to para V of his petition wherein it is prayed that the decision of R.T.A., South Kanara directing compulsory fitment of taxi-meters on all contract carriages in South Kanara may be set aside. Sri Ganesh B.Shetty is directed to state not later than 27-10-1953, whether the revision petition is now preferred against the orders of the Secy., C.R.T.Bd., or against the orders of the R.T.O., South Kanara. ~~Sri Ganesh B.Shetty is~~ is informed that in one petition he cannot club together revisional reliefs against two ~~different~~ separate orders from two ~~separate~~ different transport authorities. If it is intended to prefer revision petitions against both the orders, referred to above, Sri Ganesh B.Shetty ~~is~~ should ~~directed to send~~ submit another revision petition, complying with the rules, separately ~~against which he intends to file one~~ and stating specifically therein ~~specifying in the petition~~ the order which he wants to be revised.

12/x/53

14/x/53

13 Oct 53

To Sri Ganesh B.Shetty,
Taxi Owner, Nandigudde
Road, Attavar,
Mangalore, S.Kanara.
(By Reg.Post, Ack.Due.)

(R.D.28-10-53)

NOTE: According to Legal opinion in another file,

p.t.o

86

a petitioner cannot prefer one revision petition against two orders of the lower authorities. If it is so, he has to send two revision petitions. It may be ascertained from the petitioner whether the revision petition now preferred is against the orders of the Secy., C.R.T.Board or against those of the R.T.O., South Kanara.

P339
P31 cf

Draft memo. overleaf which is self-contained is submitted for approval.

12/x/53

12/x/53

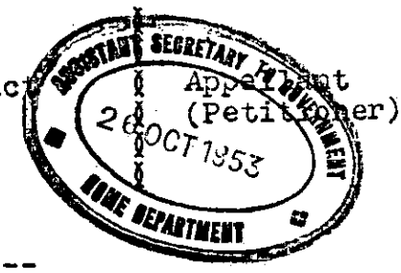
Approved
13 Oct 53

BEFORE THE GOVERNMENT OF MADRAS, HOME DEPARTMENT,

Fort St. George, M A D R A S.

Ganesh B. Shetty,
Son of Battya Shetty,
Registered Owner of contract carriage MDX-1532,
Nandigudde Road, Attavar,
MANGALORE. (South Kanara)

Appellant (Petitioner)



Motor Vehicles- Contract carriages- Regional Transport Authority, South Kanara- Compulsory fitment of taxi-meters- Ordered by Regional Transport Officer- Revision Petition to Government.

Ref: Home Department Memorandum No.190906 Transport II/53-1 dated 13-10-1953.

In reply to the Home Department Memorandum No.190906 Transport II/53-1, dated 13-10-1953, the appellant (petitioner) begs to submit that his revision petition is preferred against the decision of the Regional Transport Authority, Sputh Kanara, directing compulsory fitment of taxi-meters on all contract carriages in South Kanara, as submitted in paras I and V of his revision petition dated 6-10-53; and the appellant begs to invite attention to the specific prayer in para V of his revision petition that this decision of the Regional Transport Authority, South Kanara, may be set aside.

The order of the Secretary of the Central Road Traffic Board, Madras, was referred to in the revision petition in explaining the circumstances under which the said revision petition was submitted; and in the context it was further submitted that the further order of the Secretary of the Central Road Traffic Board, Madras, refusing to entertain the appeal against the order of the Regional Transport Authority, South Kanara, was unjustified.

Mangalore,
24-10-1953.

G.B.Shetty.
(Ganesh B.Shetty)
Appellant (Petitioner)

/ By Registered Post & Acknowledgement Due /

C.No.190906 Tr.II/53.

Two drafts

Draft I

HOME DEPARTMENT

G.O.Rt.No. 4107 dated 21.11.53

M.Vs. - +Contract carriages - R.T.A., S. Kanara - Compulsory fitment of taxi-meters - Ordered by the R.T.O., - Revision petition to Govt. - Rejected as time-barred.

Read the following:--

From Sri G.B. Shetty, revision petition d/6.10.53
From Sri G.B. Shetty, letter d/24.10.53

Order:

The revision petition cited is rejected as time-barred.

To
Sri G.B. Shetty, Taxi owner, Nandigudde Road, Attavar, Mangalore, S.Kanara - under cert. of posting.
The R.T.O., Mangalore
The Secy., C.R.T.Bd., Madras-8
Copy to Tr.II-3 with a copy of pp.1-27 c.f.
Copy for SF.

Draft II

Home Department

Memo.No.190906 Tr.II/53-3 d/2.12.53

M.Vs. - Contract carriages - R.T.A., S. Kanara - Compulsory fitment of Taxi-meters - Ordered by R.T.O. - Remarks.

It has been brought to the notice of the Govt. that the R.T.O., Mangalore in his proceedings E/Dis.7645/52 d/21.7.5 ordered compulsory fitment of taxi-meters in all Taxi cubs in the district of S. Kanara, in contravention of the instructions of the Govt. issued in G.O.Ms.No.4254, Home, d/29.9.50, Memo.No. 107424 Tr.II/50-8, Home, d/28.9.51, and in Memo.No.87888 Tr.I/53-3, Home, d/1.9.53 The Secy., C.R.T.Bd. is requested to

~~2.~~

not later than 15.12.53
obtain and forward, ~~with the connection records,~~ a report from the ~~records of~~ the R.T.O., Mangalore, the matter stating specifically the circumstances under which such an order was passed ~~the R.T.O. Mangalore passed orders directing compulsory fitment of taximeters in the taxis in the district of S. Kanara~~. the connected records of the R.T.O should also be obtained and forwarded to Govt.

2. Pending disposal of the case, the operation of the order of the R.T.O., Mangalore, in his proceedings L.Dis.7645/52 d/21.7.53, directing compulsory fitment of taximeters in the taxis of the S. Kanara district, is hereby stayed.

26/XI/53 27/11/53 H. 29 Nov. 53

To
The Secy., C.R.T.Bd., Madras
The R.T.O.,. Mangalore - under cover
Copy to Tr.II-3 for further action.
Copy for SF

R.D.16.12.53

C.No.190906 Tr.II/53.

20,002—8-5-53.

ORDER PAPER.

Home (Tr.II) **Department.**

Subject. M.Vs. - Contract carriages - R.T.A., S. Kanara - Compulsory fitment of taxi-meters - Orders by the R.T.O. - Revision petition to Govt.

Recommendations of Circulating Officer. (Deputy Secretary I)

The Revision Petition may be rejected as time barred.

L. Subbaswamy.
29 Nov 53.

Orders of Ministers.

(1) Minister (I.L.C.) Revision petition Rejected
M Krishnaram
1/12/53

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

DEPUTY SECRETARY TO GOVERNMENT
1-DEC 1953
HOME DEPARTMENT

If orders passed in the Cabinet, Decision of Cabinet.

:.No.190906 Tr.II/53. HOME (TR.II) DEPTT.

M.Vs. - ~~Xxx~~ Contract carriages - R.T.A., S. Kanara - Compulsory fitment of taxi-meters - Ordered by the R.T.O. - Revision petition to Govt.

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p1-2 From Sri G.B. Shetty, revision petition, d/6.10.53
p35 (Issued as Memo.No.190906 Tr.II/53-1, d/13.10.53)
p3 From Sri G.B. Shetty, letter d/24.10.53

==

Abstract of the case

DISTRICT:	SOUTH KANARA
p31 R.T.O's order:	Ordered installation of taxi-meters.
p33 Secy.,C.R.T.Bd's order:	Dismissed apppeal, as not entertainable.
p1-2 Petition to Govt.	From Sri G.B. Shetty, to set aside the orders of the R.T.O., S. Kanara.

This is a case of revision petition against the orders of the R.T.O., S.Kanara on p.31 c.f. The p29 prescribed fee of Rs.50/= has been paid. The facts of the case are as follows:--

p31 2. In his proceedings d/21.7.53, the R.T.O., S. Kanara, Mangalore, passed orders directing, ~~xxxx~~ the contract carriage permit holders of the S. Kanara Dist. to instal taxi-meters for their vehicles within six months from 15.7.53. The petr. (Lawsome Shetty) went on appeal to the p33 C.R.T.Bd. In his proceedings d/6.9.53, the Secy., C.R.T.Bd. rejected the appeal as not entertainable. Against the orders of the R.T.O., Mangalore, the petr. has come up to Govt. in revision.

A, p5 3. The petr. contends that the orders of the Secy., R.T.A., S. Kanra amounts to variation of conditions of permit and that therefore an appeal to the B, p5 C.R.T.Bd. is entertainable, that the R.T.A., S. Kanara at its meeting held on 3.10.52 approved the proposal to introduce taxi meters under Sec.51(d) of the C, p11 M.V. Act, that on representations made by some permit

holders, the R.T.A. at its subsequent meeting decided to withdraw its decision passed on 3.10.62, that the question will be reconsidered and with an assurance that the contract carriage permit holders will be given another chance of representing to it, before final orders are passed in the matter. It is also contended that at its meeting held on 18.7.63, the R.T.A, S. Kanara (the members of which were new now on this occassion) decided to enforce the compulsory fitment of taxi-meters. that as no notice was given to the contract carriage permit holders, the decision of the R.T.A. referred to above is ex-parte decision and that the R.T.A. has not taken into consideration the follwoing facts, before the passing the resolution, viz(i)the conditions of the road and (ii) that the R.T.As in many other districts do not insist upon fitment of taxi-meters. It is also urged that the compulsory installation of taxi-meters cannot be efficiently maintained having regard to road conditions in the dist., that that there had been no case of demanding or collecting excess fares in the dist., that many permitsholders have to ply their vehicles at rates lower than the prescribed rates due to keen competition in the trade and that their trade in the district is not remunerative due to various reasons.

C, p11 c/f.

D, p11 c/f

E, p13 c/f

K, p17 c/f

L, p19 c/f.

P, p21 c/f.

Q, p19 c/f

R, nil

P, p21 c/f

4. It is to be noted that the petr. has specifically stated that the revision petition now preferred is against the orders of the Secy., R.T.A., Mangalore on p.31 c.f. The orders of the Secy., R.T.A., Mangalore is seen to have been received by the petr. on 29.7.1953. The C.R.T.Bd. has rejected the appeal as not entertainable under the Sec.64 of the Act. The revision petition should have been preferred to the Govt. before 28-8-1953. but it was received in

p22 c/f.

Ap.A, p32 c/f.

p33 c/f

the office only on 9-10-1953. The petition is therefore clearly time barred and has to be rejected as such.

5. In G.O.Ms.No.4254, Home, dated 29-9-50, the Govt. have issued a direction under Sec.43-A that motor cabs, other than motor cabs plying in Madras City, should not be required to be fitted with taxi meters until further orders. As this order is still in force, the order of the Secy., R.T.A. insisting on the installation of taxi meters in the taxis in South Kanara district is clearly illegal and has to be set aside as such by Govt. suo motu now that the matter has been brought to the notice of the Govt. As the circumstances under which the Secy., R.T.A. passed such an order is not known the remarks of the R.T.O. and the records of the case may be called for in the first instance.

Pending disposal of the case the order of the ~~Secy.,~~ R.T.A., Mangalore may be stayed as otherwise the order would come into force effectively on 15-1-1954 since the time allowed for installation of the meters is six months from 15-7-1953.

For order.

10/11/53 10/11/53

As the Petition filed by Sri G. B. Shetty is time barred, and as Govt. may not have the powers to condone the delay and extend the period of limitation the Revision Petition may be rejected.

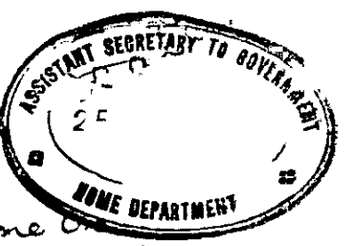
To set right the impropriety and the irregularity in the order of the R. T. A. Concerned, Govt. may call for the records "Suo Motu" and stay the order in the meanwhile.

The Law Deptt. may please

advise whether the above proposals are correct.

DS.
11 Nov 53

Law (Opns)



Law Department

Home
190906 Tr II 53-2
11.11.53

There is no objection to action being taken on the lines indicated in the note of D.S., Home., above.

DS
23.11.53

KLK
23/11/53

Law No 177386/53
23.11.53

Home (Scales Conv)

HOME (Tr.II) DEPTT.

213358

This file deals with a case of revision petition from Sri G.B. Shetty against the orders of the R.T.O., S. Kanara on p.31 c.f.

2. The case has been examined in detail, in the notes on pp.1-3 ante. As the revision petition which is dated 6-10-53 is against the orders d/21.7.53 of the R.T.O., Mangalore, it is clearly time-barred by limitation. It is therefore proposed to reject it as such (summarily). Law Deptt. have also agreed to the above. Subject to orders a draft order is subd. for approval.

3. As the orders of the R.T.O., Mangalore referred to at 'A' above are against the instructions of the Govt. issued under Sec.43-A of the Act, it is proposed to examine the case suo motu, for which the connected records of the R.T.O., Mangalore are necessary. As other Taxi-operators in S. Kanara will be affected by the orders of the R.T.O. referred to above, and as in all other districts the taxi-owners have been exempted from fitting taximeters to their cabs, the orders of the R.T.O. seem to be irregular and

they have to be stayed pending disposal of the case. Law Deptt. have agreed to this course also. The connected records of the case may be called for and the orders of the R.T.O. referred to at 'A' on p.4 ante may be stayed pending disposal of the case. Subject to orders, a draft memo (Draft II) is also for approval.

May be circulated to M(I.D.C.) for approval of both the drafts.

28/XI/53 27/11/53

The Proposal now, is to reject the Revision Petition as time-barred, but to give relief to all the affected parties in the dispute, namely the taxi owners, against an improper order of the R.T.O. and one passed in contravention of Government instructions, by taking action "Suo Motu". Hence both drafts may be approved. The action suggested is consistent with the advice given by Law.

Both drafts approved L. Subbuswamy 29 Nov 53

U Krishnan Rao

Revision petition rejected.

M.(I.A.C.) U Krishnan 1.12.53

Please issue the drafts.

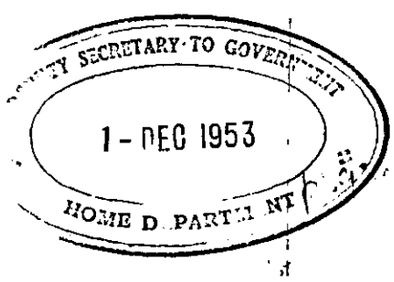
H. 1 Dec 53

Issue CB, with ref. to para 3 JBS 26.11.53.

p31 ✓

cp: Q p.4 ante.

1-12-53



(Issued as G.O.R. No. 4107, dt 2.12.53)

(Issued as Memo. No. 190906 Tr II/53-3, dt 2.12.53)

Further action in this file with ref. to the memo. on pp. 39-40 of Lr has to be taken

Extracts of notes & ~~if~~ have been given to C3 dealing with ~~whether it is~~ a general question of policy ~~etc~~ in general question of exemption from the requirement ~~to~~ for ~~address~~ details ~~the file may be transferred~~ to C3 ? fitting taken notes in the basis in the State

[C/NO·217477/03

C3

yes

mes file may now be closed work this

5/XII/53 5/12/53 e.g. D·Rh·410·7 Home dy 2·12·53

5/12/53